

## ORDINANCE NUMBER 873

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 13, PUBLIC SERVICES, CHAPTER 13.08, WATER SERVICE SYSTEM, BY THE ADDITION OF A NEW SECTION 13.08.131 TITLED "DROUGHT RESPONSE PLAN" RESTRICTING CERTAIN USES OF WATER IN THE CITY OF KETCHUM AND ITS POLICE JURISDICTION, SUPPLIED BY THE KETCHUM WATER DEPARTMENT OR PROHIBITING, UPON DECLARATION OF A DROUGHT WARNING OR A DROUGHT EMERGENCY ISSUED BY THE MAYOR; AUTHORIZING THE MAYOR TO DECLARE A DROUGHT WARNING OR A DROUGHT EMERGENCY; PROVIDING FOR NOTICE OF THE IMPLEMENTATION OF THIS PROVISION; PRESCRIBING MISDEMEANOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AUTHORIZING THE KETCHUM WATER DEPARTMENT TO TERMINATE WATER SERVICE FOR VIOLATIONS OF THIS ORDINANCE TO PROVIDE FURTHER ENFORCEMENT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, voluntary conservation measures have been undertaken by the Water Department of the City of Ketchum so as to protect water service to its customers; and

**WHEREAS**, a drought condition can cause an emergency to exist in the City of Ketchum and its police jurisdiction, due to an impending shortage of water due to a prolonged drought; and

**WHEREAS**, the existence of water shortage conditions makes it imperative and necessary that certain non-essential uses of water be restricted or prohibited and that available water resources be conserved in order to protect the health, safety and welfare of the citizens of Ketchum; and

**WHEREAS**, to protect the public health, safety and welfare of the City of Ketchum, this ordinance authorizes the Mayor to restrict or prohibit certain uses of water supplied by the Ketchum Water Department pursuant to the provisions of this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO:

Section 1. Section 13.08.131, Chapter 13.08, Article 13 of the Code of the City of Ketchum, Idaho is hereby enacted:

### **13.08.131. Implementation of Drought Response Plan.**

A. Declaration of a Drought Warning or Drought Emergency by the Mayor. Whenever, upon request by the Ketchum Water Superintendent, the Mayor determines that a water service emergency exists in the City and the Mayor issues and publishes a Declaration of a Drought Warning or Drought Emergency relating to such water service emergency, the following Drought Response Plan shall become effective immediately upon the publication of such Declaration in a daily newspaper generally circulated in the City of Ketchum. In addition, a Declaration of a Drought Warning or a Drought Emergency shall be (1) announced at all public meetings of the City Council being held during the water service emergency; and (2) posted during the water service emergency at the Ketchum City Hall, the Community Library, and the Ketchum Post Office. The water service emergency shall be

deemed to continue until it is declared by resolution of the governing body to have ended. The resolution declaring the end of a water emergency shall be effective upon its publication in the official city newspaper and may be publicized additionally through the general news media or other appropriate method for making such resolutions public.

B. Adoption of policies and thresholds by Resolution. The Ketchum Water Superintendent shall establish a set of policies and thresholds to be used when determining whether to request that the Mayor declare a water emergency exists. Said policies and thresholds shall be submitted to the City Council to be adopted by Resolution.

C. Application of Drought Response Plan. Upon the publication of Declaration of a Drought Warning or a Drought Emergency, the restrictions shall apply to all persons using water both in the City and outside the City, that are customers or users of the Ketchum municipal water system. This Section does not prohibit the use of water from any other source other than water supplied by the Ketchum Water Department.

D. Drought Warning - Certain Uses Restricted or Prohibited. The use of water by any person, subsequent to the declaration and publication of a Drought Warning will be restricted as follows:

1. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be limited as follows:

a. Even Numbered addresses shall water on the even days of the month and Odd Numbered addresses shall water on the odd days of the month. For purposes of this provision "Even-Numbered Addresses" means the house address ending in numbers 0,2,4,6,8 or the letters A-M, or at locations with no address at the Even Numbered side of the street and "Odd-Numbered Addresses" means the house address, ending numbers 1,3,5,7,9 or letters N-Z, or at locations with no address at the Odd Numbered side of the street. Post Office Box numbers are not included.

b. Water times shall be limited to from 12:00 a.m. to 10:00 a.m. and 5:00 p.m. to 12:00 midnight on the allowed day.

E Drought Emergency-Certain Uses Restricted or Prohibited. In addition to the restrictions set out in subsection C above, the use and withdrawal of water by any person, subsequent to the declaration and publication of a Drought Emergency for the following purposes shall be prohibited:

1 Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, porches and other outdoor surfaces, except to alleviate immediate health or safety hazards.

2. No permits shall be issued for connection to fire hydrants for the purpose of filling tank trucks and any existing permits will become void.

F. Enforcement. In the event of any violation of this section the following procedure and penalties shall apply:

1. First Violation. The City shall place a written notice on the property where the violation occurred and a duplicate of said notice shall be mailed to the person who is regularly billed for water service where the violation occurred explaining the violation and the penalties.

2. Second Violation. A second violation of this subsection shall be a misdemeanor punishable by a fine up to three hundred dollars (\$300.00) and/or up to six months imprisonment. Each day on which a violation occurs or continues shall be deemed a separate offense.

G. Citations. The City shall issue a citation to the person in apparent control of the property. Any person, including a person classified as a water customer of the Ketchum Water Department in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation but any such person shall have the right to rebut that he/she did not commit the violation

H Discontinuance of Service. The Ketchum Water Department shall have the authority to enforce the provisions of this subsection by the discontinuance of water service in the event of continued violations hereof.

1. Reconnecting Fee. A fee of \$50 shall be paid for reconnecting any water service terminated pursuant to subsection (G).

Section 2. Savings and Severability Clause. The provisions and parts thereof of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective upon its passage, approval, and publication according to law.

PASSED BY the City Council and APPROVED by the Mayor this 18<sup>th</sup> day of June 2001.

CITY OF KETCHUM, IDAHO

By:   
GUY P. COLES, Mayor

ATTEST:  
  
SANDRA E. CADY  
City Clerk

Publish: Idaho Mountain Express  
June 27, 2001

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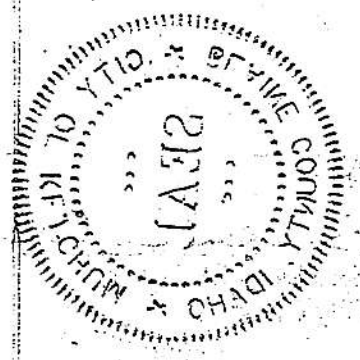
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